

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re:) **Motion and Notice**
) **Chapter 13**
)
MATTHEW CRAIG MCCABE)
SUZANNE STARR MCCABE)
Debtors)
No: B-10-50993 C-13W

Kathryn L. Bringle, Trustee, respectfully moves the Court for an order as follows:

Veripro Solutions Incorporation,(the “Creditor”) filed a proof of claim and provided evidence of a deed of trust lien on the Debtor(s) real property located at 1021 Oakmont Court, Salisbury, North Carolina. The Creditor perfected its lien by recording a deed of trust in Book 1090, Page 477, in the office of the Register of Deeds of Rowan County, North Carolina on March 28, 2007.

The Trustee has been disbursing ongoing monthly mortgage payments to the Creditor and has paid the Creditor’s arrearage claim in full. The Trustee’s records reflect that the mortgage account is current. The Trustee has written to the Creditor to ask if the account is current according to the creditor’s records; however, the creditor did not respond. The Trustee is of the belief that the account is current.

The Trustee respectfully requests as follows:

1. That an order be entered finding that all prepetition and postpetition defaults have been cured and that the account be deemed current and reinstated on the original payment schedule under the note and security agreement as if no default had ever occurred.
2. That the Creditor be required to credit payments received beginning March 2014 to monthly mortgage payments due beginning March 2014.
3. That any willful failure of the Creditor or its successors and assignees to credit payments in the manner required by the Plan in this case or any act following the entry of discharge to charge or collect any amounts which were incurred or assessed prior to the filing of the Chapter 13 Petition or during the pendency of this case and which were not authorized by the Plan or approved by the Court after proper notice be considered a violation of 11 U.S.C. §524(i) and the injunction under §524(a)(2).

Date: March 6, 2014

s/ Kathryn L. Bringle

KLB: HW/thf

Trustee

NOTICE

TAKE NOTICE THAT any interested party who has an objection to the Motion MUST FILE A WRITTEN OBJECTION by April 7, 2014 with the United States Bankruptcy Court at the address of

226 South Liberty Street
Winston-Salem, NC 27101

and must serve the parties named on the attached list of Parties To Be Served.

If no objection is filed within the time period, the Court will consider this motion without a hearing. If an objection is timely filed, a hearing on the motion will be held on April 23, 2014 at 9:30 a.m. in the Courtroom at 226 South Liberty Street, Winston-Salem, North Carolina.

Date: March 6, 2013

OFFICE OF THE CLERK

PARTIES TO BE SERVED

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MATTHEW CRAIG MCCABE
SUZANNE STARR MCCABE
1021 OAKMONT COURT
SALISBURY, NC 28146

WILLIAM V BOST
ATTORNEY AT LAW
P O BOX 4134
SALISBURY, NC 28145-4134

VERIPRO SOLUTIONS INC
ATTN OFFICER OR MANAGING AGENT
P O BOX 3244
COPPELL, TX 75019

NOT ON MATRIX

KATHRYN L. BRINGLE
CHAPTER 13 TRUSTEE
PO BOX 2115
WINSTON-SALEM, NC 27102-2115